

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: May 27, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor Lee on May 19, 2015:

File No. 150519

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2015.

This matter is being forwarded to you for a cost analysis.

Please forward your analysis to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Todd Rydstrom, Office of the Controller
Drew Murrell, Office of the Controller

1 [Compensation for Unrepresented Employees]

2

3 **Ordinance fixing compensation for persons employed by the City and County of San**
4 **Francisco whose compensations are subject to the provisions of Charter, Section**
5 **A8.409, in job codes not represented by an employee organization, and establishing**
6 **working schedules and conditions of employment and, methods of payment, effective**
7 **July 1, 2015.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Pursuant to Charter Section A8.409-1, the Mayor hereby proposes and the Board of
17 Supervisors approves the wages, hours and other terms and conditions of employment set
18 forth herein to be applicable to all unrepresented job codes or positions of City employment.

19 Unless specifically noted, the following provisions are applicable to all employees
20 covered by this Ordinance, which includes Miscellaneous Unrepresented employees and
21 Management Unrepresented employees. For informational purposes, see Attachment A for a
22 list of job codes designated as Miscellaneous Unrepresented and Management
23 Unrepresented.

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5 Section 1. General Terms and Conditions of Employment

6 (a) All terms and conditions of employment not covered under this Ordinance shall

7 continue to be subject to the City’s direction and control. Unless specifically addressed

8 herein, those terms and conditions of employment which are set forth in the Charter,

9 Administrative Code, Civil Service Rules, policies and procedures, shall apply to employees

10 covered by this ordinance.

11 (b) Nothing in this Ordinance shall have application to changes of Civil Service rules

12 and matters subject to the exclusive jurisdiction of the Civil Service Commission pursuant to

13 Charter Section A8.409-3, unless specifically approved by the Civil Service Commission,

14 except as such changes may affect compensation.

15

16 Section 2. Wage Rates

17 (a) The wage rate for job codes covered by this Ordinance for fiscal year 2015-2016

18 shall be increased as follows:

19 Effective October 10, 2015: 3.25%

20 (b) The 1283 – Director, Employee Relations Division Classification’s Pay Plan shall

21 be the same range of pay as the 0954 – Deputy Director IV Classification. The 1282 –

22 Manager, Employee Relations Division Classification’s Pay Plan shall be the same range_of

23 pay as the 0932 – Manager IV Classification. The 1281 – Senior Employee Relations

24 Representative Classification’s Pay Plan shall be the same range of pay as the 1824 –

25 Principal Administrative Analyst Classification. There shall also be three additional five

1 percent (5%) steps (Steps 6, 7 & 8) at the top of the range for this classification at which an
2 employee may be placed upon the approval of the Employee Relations Director. Such
3 placement is contingent upon the Employee Relations Director's designation of the employee
4 as the City's principal representative for a major employee group. The 1280 – Employee
5 Relations Representative Classification's Pay Plan shall be the same range of pay as the
6 1244 – Senior Personnel Analyst Classification. There shall also be three additional five
7 percent (5%) steps (Steps 1, 2 & 3) at the bottom of the range. Employees may be placed in
8 Step 6, 7 or 8 by the approval of the Employee Relations Director. Such placement is
9 contingent upon the Employee Relations Director's designation of the employee as having
10 lead responsibilities in employee-employer relations matters. The 1293 – Human Resources
11 Director Classification's Pay Plan shall be the same range of pay as the 0964 – Department
12 Head IV Classification.

13 (c) The 1682 – Controller Classification's Pay Plan shall be the same range of pay as
14 the 0965 – Department Head V Classification.

15 All base wage calculations shall be rounded to the nearest salary schedule.

16
17 Section 3. Internal Adjustment Process.

18 Upon request of an Appointing Officer, the Human Resources Director, with the
19 concurrence of the Controller, may approve internal salary adjustments for members of the
20 management unit (002), except for the Mayoral Staff classifications (0881-0905), based upon
21 the following:

22 (1) Standards

23 The following shall be the standards for internal adjustments for the wage rates for a
24 particular job code:
25

- a. The salary for the job code is below the prevailing wage level in the relevant labor market as demonstrated by verifiable salary data; and/or
- b. There is an ongoing and demonstrable recruitment and/or retention problem; and/or
- c. Traditional salary relationships, which continue to be justified, have been substantially altered; and/or
- d. The duties, responsibilities and/or minimum requirements for a job code have been altered significantly; and/or
- e. Adjustment is necessary to maintain comparability with similarly-situated employees in represented bargaining units.

(2) Internal Adjustment Cap

Internal adjustment costs shall not exceed an annualized cost of 1.0% of the total payroll cost for the employees covered by this Ordinance, 0.25% of which is available for base wage adjustments, and 0.75% of which is available for one-time adjustments.

Section 4. Acting Assignment Pay

The Appointing Officer/designee assigns duties to employees covered by this Ordinance. Employees assigned by the Appointing Officer/designee to perform the full range of essential functions of a position in a higher job code shall receive compensation at a higher salary if all of the following conditions are met:

- (1) The assignment shall be in writing with copies to the Department of Human Resources and Controller.
- (2) The assignment shall conform to all Civil Service Commission Rules, policies and procedures.
- (3) The position to which the employee is assigned must be a budgeted position.

1 (4) The employee is assigned to perform the duties of a higher job code for longer
2 than eleven (11) consecutive working days; after which acting assignment pay
3 shall be retroactive to the first day of the assignment.

4 a. If each of the above criteria are met, and upon written approval by the
5 Department Head, an employee shall be paid one full salary step
6 adjustment (approximately 5%), provided it does not exceed the
7 maximum step of the salary grade of the job code to which the employee
8 was temporarily assigned. Premiums based on percent of salary shall be
9 paid at a rate which includes acting assignment pay.

10 b. Requests for classification or reclassification review shall not be governed
11 by this provision.

12
13 Section 5. Supervisory Differential Adjustment

14 The Appointing Officer may adjust the compensation of a supervisory employee whose
15 compensation grade is set herein subject to the following conditions:

16 (1) The supervisor, as part of the regular responsibilities of his/her job code,
17 supervises, directs, is accountable for and is in charge of the work of a
18 subordinate or subordinates.

19 (2) The supervisor must actually supervise the technical content of subordinate
20 work and possess education and/or experience appropriate to the technical
21 assignment.

22 (3) The organization is a permanent one approved by the Appointing Officer, Board
23 or Commission, where applicable, and is a matter of record based upon review
24 and investigation by the Department of Human Resources.
25

- 1 (4) The job codes of both the supervisor and the subordinate are appropriate to the
2 organization and have a normal, logical relationship to each other in terms of
3 their respective duties and levels of responsibility and accountability in the
4 organization.
- 5 (5) The compensation grade of the supervisor is less than one full step
6 (approximately 5%) over the compensation grade, exclusive of extra pay, of the
7 employee supervised. In determining the compensation grade of a job code
8 being paid a flat rate, the flat rate will be converted to a bi-weekly rate and the
9 compensation grade the top step of which is closest to the flat rate so converted
10 shall be deemed to be the compensation grade of the flat rate job code.
- 11 (6) The adjustment of the compensation grade of the supervisor shall not exceed
12 5% over the compensation, exclusive of extra pay, of the employee supervised.
13 If the application of this section adjusts the compensation grade of an employee
14 in excess of his/her immediate supervisor, whose job code is also covered by
15 this Ordinance the pay of such immediate supervisor shall be adjusted to an
16 amount \$1.00 bi-weekly in excess of the base rate of his/her highest paid
17 subordinate, provided that the other applicable conditions of this section are also
18 met.
- 19 (7) In no event will the Appointing Officer approve a supervisory salary adjustment
20 in excess of two (2) full steps (approximately 10%) over the supervisor's current
21 basic compensation. If in the following fiscal year a salary inequity continues to
22 exist, the Appointing Officer may again review the circumstances and may grant
23 an additional salary adjustment not to exceed two (2) full steps (approximately
24 10%).
25

- 1 (8) The compensation adjustment is retroactive to the date the employee became
2 eligible, but not earlier than the beginning of the current fiscal year.
- 3 (9) The Human Resources Department shall review any changes in the conditions
4 or circumstances that were and are relevant to the request for salary adjustment
5 under this section.

6

7 Section 6. Severance Pay (For management Unrepresented Employees)

- 8 (1) When an exempt employee covered by this Ordinance is involuntarily removed
9 or released from employment, the Appointing Officer will endeavor to inform the
10 employee at least thirty (30) calendar days before his/her final day of work.
11 Where the Appointing Officer fails or declines to inform the employee a full thirty
12 (30) days in advance, the exempt employee shall receive pay in lieu of the
13 number of days less than thirty (30) upon which s/he was informed.
- 14 (2) In addition to paragraph (1), when an exempt employee covered by this
15 Ordinance is involuntarily removed or released from employment, the employee
16 shall also receive one week's severance pay for each full year worked, up to a
17 maximum of 26 weeks, in exchange for a release signed by the employee of any
18 and all claims arising out of employee's employment or termination of that
19 employment (including claims arising under this Ordinance) that the employee
20 may have against the City including any officer or employee thereof. This
21 release shall be in a form acceptable to the City and shall include a waiver of
22 any rights the employee may have to return to City employment (e.g., holdover
23 roster), a waiver of Section 1542 of the California Civil Code, and a waiver of
24 claims under the Age Discrimination in Employment Act. The release shall
25

1 exclude the right to grieve the proper amount of notice or severance pay due
2 under this section.

3 (3) In the event an exempt employee covered by this Ordinance is involuntarily
4 returned to a permanent job code, that employee may elect to separate from
5 City Service and shall receive one week's severance pay for each full year
6 worked, up to a maximum of 26 weeks, in exchange for a release signed by the
7 employee of any and all claims arising out of employee's employment or
8 termination of that employment (including claims arising under this Ordinance)
9 that the employee may have against the City including any officer or employee
10 thereof. This release shall be in a form acceptable to the City and shall include
11 a waiver of any rights the employee may have to return to City employment
12 (e.g., holdover roster), a waiver of Section 1542 of the California Civil Code, and
13 a waiver of claims under the Age Discrimination in Employment Act. The release
14 shall exclude the right to grieve the proper amount of notice or severance pay
15 due under this section.

16 (4) Additionally, any employee accepting severance pay under this provision shall
17 be ineligible to be appointed to City service under Charter Section A8.511
18 ("Proposition F" appointment) in the department from which he or she was
19 released for a period of two (2) years from the date of release.

20 (5) Released employees must elect severance within thirty (30) days of notice of
21 involuntary separation/release.

22 (6) Payment of severance is dependent upon approval by the Appointing
23 Officer, Controller and the Human Resources Director. Approval will be based
24 on a good faith consideration of whether the employee's removal or release was
25 involuntary, was initiated by the Appointing Authority, and was in the best

1 interests of the City; and whether the termination of employment was based on
2 conduct involving misappropriation of public funds or property, misuse or
3 destruction of public property, mistreatment of persons, or acts which would
4 constitute a felony or misdemeanor. Additionally, an employee eligible for
5 severance pursuant to Sections 6.(2) or 6.(3) above may receive severance
6 pursuant to either, but not both.
7

8 Section 7. Bilingual Pay

9 A "designated bilingual position" is a position designated by the department subject to
10 approval by the Human Resources Department, which requires translation services consisting
11 of translating to and from a foreign language including, sign language for the hearing impaired
12 and Braille for the visually impaired.

13 An employee in a designated bilingual position who routinely and consistently provides
14 more than forty (40) hours per pay period of translation services will receive a bilingual
15 premium of sixty dollars (\$60.00) per pay period.

16 An employee in a designated bilingual position who routinely and consistently provides
17 more than ten (10) but less than forty (40) hours per pay period of translation services will
18 receive a bilingual premium of forty dollars (\$40.00) per pay period.
19

20 Section 8. Premium Pay

21 All premiums and additional forms of compensation described in this ordinance shall be
22 paid only for actual hours worked.

23 There shall be no pyramiding of premiums for purposes of compensation calculations.
24 Each premium shall be calculated on the base wage rate exclusive of any and all premiums,
25 benefits and other forms of additional compensation.

1
2 Section 9. Appointment and Advancement Through Salary Steps

3 Appointing Officers may appoint employees to any step, at any time, in the salary
4 grade which does not exceed the maximum of the salary grade. If there are no steps within
5 the salary grade, the Appointing Officer may appoint employees to any place within the grade
6 at any time, providing that the placement does not exceed the salary grade maximum.

7 Employees who enter below the salary grade maximum may advance one step
8 following completion of the one year required service. Further increments may accrue
9 following completion of the required service at this step and at each successive step.

10 An employee's scheduled step increase may be denied if the employee's performance
11 has been unsatisfactory to the City. The denial of a step increase is subject to the grievance
12 procedure; provided, however, that nothing in this section is intended to or shall make
13 performance evaluations subject to the grievance procedure.

14
15 Section 10. Methods of Calculation

- 16 (1) Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis
17 shall be paid the bi-weekly salary for his/her position for work performed during
18 the bi-weekly payroll period. There shall be no compensation for time not
19 worked unless such time off is authorized time off with pay.
- 20 (2) Per Diem or Hourly. An employee whose compensation is fixed on a per diem
21 or hourly basis shall be paid the daily or hourly rate for work performed during
22 the bi-weekly payroll period on a bi-weekly pay grade. There shall be no
23 compensation for time not worked unless such time off is authorized time off
24 with pay.

25 Section 11. Work Schedules

1 (1) Regular Work Schedules

2 a. Regular Work Day. Unless otherwise provided, a regular workday is a tour of
3 duty of eight (8) hours of work completed within not more than twenty-four (24)
4 hours.

5 b. Regular Work Week. The Appointing Officer shall determine the work schedule
6 for employees in his/her department. A regular workweek is a tour of duty of five
7 (5) worked days within a seven day period. However, employees who are
8 moving from one shift or one work schedule to another may be required to work
9 in excess of five working days in conjunction with changes in their work shifts or
10 schedules.

11 Employees shall receive no compensation when properly notified (2-hour notice)
12 that work applicable to the job code is not available because of inclement
13 weather conditions, shortage of supplies, traffic conditions, or other unusual
14 circumstances. Employees who are not properly notified and report to work and
15 are informed no work applicable to the job code is available shall be paid for a
16 minimum of two (2) hours. Employees who have been designated by their
17 department as emergency personnel must report to work as scheduled unless
18 otherwise notified by the Appointing Officer or designee. Employees who begin
19 their shifts and are subsequently relieved of duty due to the above reasons shall
20 be paid a minimum of two (2) hours, and for hours actually worked beyond two
21 (2) hours, computed to the nearest one-quarter hour.

22 (2) Night Duty

23 Employees, exclusive of employees in job codes which are exempt from the Fair
24 Labor Standards Act, who, as part of their regularly scheduled work shift, are required
25 to work any hours between (five) 5:00 p.m. and (seven) 7:00 a.m. shall receive a

1 premium of 8½% per hour in addition to their straight time hourly base rate of pay for
2 any and all hours worked between (five) 5:00 p.m. and (seven) 7:00 a.m. Excluded
3 from this provision are those employees who participate in an authorized flex-time
4 program where the work shift includes hours to be worked between the hours of (five)
5 5:00 p.m. and (seven) 7:00 a.m. Day shift employees assigned to work during the
6 night duty premium hours are not eligible for night duty premium. Payment of this
7 premium shall be made for actual hours worked.

8 (3) Alternate Work Schedules

9 The Appointing Officer may enter into cost equivalent alternate work schedules
10 for some or all employees. Such alternate work schedules may include, but are not
11 limited to, core hours flex-time; full-time work weeks of less than five (5) days; or a
12 combination of features mutually agreeable to the parties. Such changes in the work
13 schedule shall not alter the basis for, nor entitlement to, receiving the same rights and
14 privileges as those provided to employees on five (5) day, forty (40) hour a week
15 schedules.

16 (4) Voluntary Reduced Work Week

17 Employees subject to the approval by the Appointing Officer may voluntarily
18 elect to work a reduced work week for a specified period of time. Such reduced work
19 week shall not be less than twenty (20) hours per week. Pay, vacation, holidays and
20 sick pay shall be reduced in accordance with such reduced work week.

21
22 Section 12. Standby Pay and Pager Pay

23 Employees who, as part of the duties of their positions are required by the Appointing
24 Officer to standby when normally off duty to be instantly available to be called in for immediate
25 emergency service for the performance of their regular duties, shall be paid ten (10) percent

1 of their regular straight time rate of pay for the period of such standby service when outfitted
2 by the department with an electronic paging device and/or cell phone. When such employees
3 are called to perform their regular duties in emergencies during the period of such standby
4 service, they shall be paid while engaged in such emergency service the usual rate of pay for
5 such service.

6 The provisions authorizing standby pay do not apply to job codes designated by a "Z"
7 symbol.

8 9 Section 13. Call Back

10 Employees (except those at remote locations where City supplied housing has been
11 offered, or who are otherwise being compensated) who are called back to their work locations
12 following the completion of his/her work day and departure from his/her place of employment,
13 shall be granted a minimum of four (4) hours pay at the applicable rate or shall be paid for all
14 hours actually worked at the applicable rate, whichever is greater. This section shall not apply
15 to employees who are called back to duty when on stand-by status.

16 Notwithstanding the general provisions of this section, call back pay shall not be
17 allowed in job codes designated by a "Z" symbol.

18 19 Section 14. Overtime Compensation

- 20 (1) Subject to sub-paragraphs 2-4 below, the Appointing Officer may require
21 employees to work longer than the regular work day or the regular work week.
22 Any time worked by an employee with proper authorization, exclusive of part-
23 time employees, in excess of forty (40) hours actually worked during a regular
24 work week shall be designated as overtime and shall be compensated at one-
25 and-one-half times the base hourly rate. For the purposes of calculating

1 overtime compensation, an employee's base hourly rate may include certain
2 premiums for those hours actually worked at the premium rate.

3 (2) Employees working in job codes that are designated as having a regular work
4 week of less than forty (40) hours shall not be entitled to overtime compensation
5 for work performed in excess of said specified regular hours until they exceed
6 forty (40) hours per week. Overtime shall be calculated and paid on the basis of
7 the total number of straight time hours actually worked in a week. Overtime
8 compensation so earned shall be computed subject to all the provisions and
9 conditions set forth herein.

10 (3) Only legal holidays, listed in Section 16 ("Holidays"), shall count as hours
11 worked for the purposes of computing overtime.

12 (4) Employees in non-"Z" designated job codes who are required to work overtime
13 shall be paid at a rate of one and one-half times their regular base rate. An
14 employee may elect to accrue Compensatory Time Off (CTO) in lieu of overtime,
15 provided that the Appointing Officer approves of such election. In no instance
16 may an employee accrue more than one hundred sixty (160) hours of CTO. A
17 non-"Z" classified employee who is appointed to a position in another
18 department shall have his or her entire compensatory time balances paid out at
19 the rate of the underlying classification prior to appointment. A non-"Z" classified
20 employee who is appointed to a position in a higher, non-"Z" designated
21 classification or who is appointed to a position in a "Z" designated classification
22 shall have his or her entire compensatory time balances paid out at the rate of
23 the lower classification prior to promotion.

24 (5) Employees in job codes designated by a "Z" symbol shall not be paid for
25 overtime worked but may earn CTO at the rate of one hour for each hour worked

1 in excess of 40 hour/week. The maximum amount of CTO that may be accrued
2 is one hundred sixty (160) hours. In lieu of accruing CTO during the fiscal year,
3 unrepresented department heads, the 1283 Director of Employee Relations and
4 employees in AB44 Confidential Chief Attorney II shall have the same executive
5 leave benefit applicable to employees in job codes assigned to the EM Unit. In
6 lieu of accruing CTO during the fiscal year, employees in the 1282 Manager
7 Employee Relations classification shall have the same administrative leave
8 benefit applicable to employees in job codes assigned to the M Unit.

9
10 Section 15. Fair Labor Standards Act

11 To the extent that this Ordinance fails to afford employees the overtime or
12 compensatory time off benefits to which they are entitled under the Fair Labor Standards Act,
13 this Ordinance authorizes and directs all City Departments to ensure that their employees
14 receive, at a minimum, such Fair Labor Standards Act Benefits.

15
16 Section 16. Holidays

17 Except when normal operations require, or in an emergency, employees shall not be
18 required to work on the following days hereby declared to be holidays for such employees:

19 January 1 (New Year's Day)

20 the third Monday in January (Martin Luther King, Jr.'s Birthday)

21 the third Monday in February (President's Day)

22 the last Monday in May (Memorial Day)

23 July 4 (Independence Day)

24 the first Monday in September (Labor Day)

25 the second Monday in October (Columbus Day)

1 November 11 (Veteran's Day)

2 Thanksgiving Day

3 the day after Thanksgiving

4 December 25 (Christmas Day)

5 Provided however, that, if January 1, July 4, November 11 or December 25 falls on a
6 Sunday, the Monday following is a holiday.

7 In addition, included shall be any day declared to be a holiday by proclamation of the
8 Mayor after such day has heretofore been declared a holiday by the Governor of the State of
9 California or the President of the United States.

10 The City shall accommodate religious belief or observance of employees as required
11 by law.

12 Employees are entitled to four (4) floating holidays totaling thirty-two (32) hours (pro-
13 rated for eligible part-time employees), in each fiscal year to be taken on days selected by the
14 employee subject to prior scheduling approval of the Appointing Officer. Employees (both full-
15 time and part-time) must complete six (6) months continuous service to establish initial
16 eligibility for the floating holidays. Employees hired on an as-needed, intermittent or seasonal
17 basis shall not receive floating holidays. Floating holidays may be taken in hourly increments
18 up to and including the number of hours contained in the employee's regular shift. Floating
19 holidays may be carried forward from one fiscal year to the next. The number of floating
20 holidays carried forward to a succeeding fiscal year may not exceed the total number of
21 floating holidays received in the previous fiscal year. No compensation of any kind shall be
22 earned or granted for floating holidays not taken. Employees who have established initial
23 eligibility for floating holidays and subsequently separate from City employment, may at the
24 sole discretion of the appointing authority, be granted to take off those floating holiday(s) to
25 which the separating employee was eligible and had not yet taken off. Notwithstanding other

1 limitations in this section, any unused floating holidays accrued through June 30, 2014 may be
2 carried over to be used in fiscal year 2014-15.

3 Floating holidays are to be scheduled per mutual agreement, based on operational
4 needs of the department.

5 For those employees assigned to a work week of Monday through Friday, and in the
6 event a legal holiday falls on Saturday, the preceding Friday shall be observed as a holiday;
7 provided, however, that except where the Governor declares that such preceding Friday shall
8 be a legal holiday, each department head shall make provision for the staffing of public offices
9 under his/her jurisdiction on such preceding Friday so that said public offices may serve the
10 public as provided in the Administrative Code (Section 16.4). Those employees who work on
11 a Friday which is observed as a holiday in lieu of a holiday falling on Saturday shall be
12 allowed a day off in lieu thereof as scheduled by the Appointing Officer in the current fiscal
13 year. The City shall provide one week's advance notice to employees scheduled to work on
14 the observed holiday, except in cases of unforeseen operational needs.

15
16 Section 17. Holiday Compensation for Time Worked

17 Employees required by their respective Appointing Officer to work on any of the above-
18 specified holidays or to substitute holidays excepting Fridays observed as holidays in lieu of
19 holidays falling on Saturday, shall be paid extra compensation of one (1) additional day's pay
20 at time and one-half (1-1/2) the usual rate in the amount of twelve (12) hours pay for eight (8)
21 hours worked or a proportionate amount if less than eight (8) hours worked; provided,
22 however, that at an employee's request and with the approval of the Appointing Officer, an
23 employee may be granted compensatory time off in lieu of paid overtime.

1 Employees occupying positions which are exempt from the FLSA (Executive,
2 Administrative and Professional) shall not receive extra compensation for holiday work but
3 may be granted time off at the discretion of the Appointing Officer.
4

5 Section 18. Holidays for Employees on Work Schedules Other Than Monday Through
6 Friday

- 7 (1) Employees assigned to seven (7) day-operation departments or employees
8 working a five (5) day work week other than Monday through Friday shall be
9 allowed another day off if a holiday falls on one of their regularly scheduled days
10 off.
11 (2) Employees whose holidays are changed because of shift rotations shall be
12 allowed another day off if a legal holiday falls on one of their days off.
13 (3) Employees required to work on a holiday which falls on a Saturday or Sunday
14 shall receive holiday compensation for work on that day. Holiday compensation
15 shall not then be additionally paid for work on the Friday preceding a Saturday
16 holiday, nor on the Monday following a Sunday holiday.
17 (4) Sections (2) and (3) above shall apply to part-time employees on a pro-rata
18 basis. If the provisions of this section deprive an employee of the same number
19 of holidays that an employee receives who works Monday through Friday, s/he
20 shall be granted additional days off to equal such number of holidays. The
21 designation of such days off shall be by mutual agreement of the employee and
22 the appropriate employer representative. Such days off must be taken within
23 the fiscal year. In no event shall the provisions of this section result in such
24 employee receiving more or less holidays than an employee on a Monday
25 through Friday work schedule.

1 Section 19. Holiday Pay for Employees Laid Off

2 An employee who is laid off at the close of business the day before a holiday who has
3 worked not less than five (5) previous consecutive workdays shall be paid for the holiday at
4 his or her normal rate of compensation.

5 Section 20. Employees Not Eligible for Holiday Compensation

6 Persons employed for holiday work only, or persons employed on a part-time work
7 schedule which is less than twenty (20) hours in a bi-weekly pay period, or persons employed
8 on an intermittent part-time work schedule (not regularly scheduled), or persons employed on
9 as-needed, seasonal or project basis for less than six (6) months continuous service, or
10 persons on leave without pay status both immediately preceding and immediately following
11 the legal holiday shall not receive holiday pay.
12

13 Section 21. Part-time Employees Eligible for Holidays

14 Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly
15 pay period shall be entitled to holiday pay on a proportionate basis.
16

17 Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in
18 a bi-weekly pay period, therefore, part-time employees, as defined in the immediately
19 preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours
20 regularly worked in a bi-weekly pay period. Holiday time off shall be determined by
21 calculating 1/10 of the hours worked by the part-time employee in the bi-weekly pay period
22 immediately preceding the pay period in which the holiday falls. The computation of holiday
23 time off shall be rounded to the nearest hour.
24
25

1 The proportionate amount of holiday time off shall be taken in the same fiscal year in
2 which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the
3 employee and the appropriate employer representative.

4
5 Section 22. In-Lieu Holidays

- 6 (1) Requests for in-lieu holidays shall be made to the appropriate management
7 representative within thirty (30) days after the holiday is earned and must be
8 taken within the fiscal year.
- 9 (2) In-lieu holidays will be assigned by the Appointing Officer or designee if not
10 scheduled in accordance with the procedures described herein.
- 11 (3) An in-lieu holiday can be carried over into the next fiscal year only with the
12 written approval of the Appointing Officer.

13
14 Section 23. Probationary Periods

15 Probationary periods shall be defined and administered by the Civil Service
16 Commission. All permanent appointees shall serve a minimum of 2,080 hours probationary
17 period.

18 A probationary period may be extended by mutual written agreement between the
19 employee and the Appointing Officer.

20
21 Section 24. Health and Welfare
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1 (1) Miscellaneous Unit (001)

2 For members of the miscellaneous unit (001), the City's contribution to
3 employee health, dental, and other insurance benefits will be equivalent to those
4 offered to members of the City's bargaining units #7 and #8.

5 (2) Management Unit (002)

6 As to the members of the management unit (002), health, dental, and other
7 insurance benefits, including flexible spending ("cafeteria") benefits, will be equivalent
8 to those offered to members of the City's bargaining unit #32.

9 (3) VDT Examination

10 Employees who are Health Services System members are eligible for one (1)
11 annual VDT examination and prescribed eyewear.

12
13 Section 25. Retirement Contribution

14 Employees in classifications covered by this Ordinance shall pay their own employee
15 retirement contributions as set forth in the San Francisco Charter.

16 The parties acknowledge that the San Francisco Charter establishes the levels, terms
17 and conditions of retirement benefits for members of the San Francisco Employees
18 Retirement System (SFERS). The fact that the Ordinance does not specify that a certain item
19 of compensation is excluded from retirement benefits should not be construed to mean that
20 the item is included by the Retirement Board when calculating retirement benefits.

21
22 Section 26. Pre-Retirement Planning Seminar

23 Subject to development, availability and scheduling by SFERS and PERS, employees
24 shall be allowed not more than one (1) day to attend a pre-retirement planning seminar
25 sponsored by SFERS or PERS.

1 Employees must provide at least two (2) weeks advance notice of their desire to attend
2 a retirement planning seminar to the appropriate supervisor. An employee shall be released
3 from work to attend the seminar unless staffing requirements or other Department exigencies
4 require the employee's attendance at work on the day or days such seminar is scheduled.
5 Release time shall not be unreasonably withheld.

6 All such seminars must be located within the Bay Area.

7 This section shall not be subject to the grievance procedure.

8
9 Section 27. Worker's Compensation and Return to Work

10 The City will make a good faith effort to return employees who have sustained an
11 occupational injury or illness to temporary modified duty within the employee's medical
12 restriction. Duties of the modified assignment may differ from the employee's regular job
13 duties and/or from job duties regularly assigned to employees in the injured employee's job
14 code. Where appropriate modified duty is not available within the employee's job code, on the
15 employee's regular shift, and in the employee's department, the employee may be temporarily
16 assigned pursuant to this section to work in another job code, on a different shift, and/or in
17 another department, subject to the approval of the Appointing Officer or designee. The
18 decision to provide modified duty and/or the impact of such decisions shall not be subject to
19 grievance or arbitration. Modified duty assignments may not exceed three (3) months. An
20 employee assigned to a modified duty assignment shall receive their regular base rate of pay
21 and shall not be eligible for any other additional compensation (premiums) and or out of job
22 code assignment pay as may be provided under this Ordinance.

23 An employee who is absent because of an occupational disability and who is receiving
24 Temporary Disability, State Disability Insurance, may request that the amount of disability
25 indemnity payment be supplemented with salary to be charged against the employee's

1 accumulated unused sick leave with pay credit balance at the time of disability, compensatory
2 time off, or vacation, so as to equal the normal salary the employee would have earned for the
3 regular work schedule. Use of compensatory time requires the employee's Appointing
4 Officer's approval.

5 An employee who wishes not to supplement, or who wishes to supplement with
6 compensatory time or vacation, must submit a written request to the Appointing Officer or
7 designee within seven (7) calendar days following the first date of absence. Disability
8 indemnity payments will be automatically supplemented with sick pay credits (if the employee
9 has sick pay credits and is eligible to use them) to provide up to the employee's normal salary
10 unless the employee makes an alternative election as provided in this section.

11 Employee supplementation of workers compensation payment to equal the full salary
12 the employee would have earned for the regular work schedule in effect at the
13 commencement of the workers compensation leave shall be drawn only from an employee's
14 paid leave credits including vacation, sick leave balance, or other paid leave as available. An
15 employee returning from disability leave will accrue sick leave at the regular rate and not an
16 accelerated rate.

17 Salary may be paid on regular time-rolls and charged against the employee's sick
18 leave with pay, vacation, or compensatory time credit balance during any period prior to the
19 determination of eligibility for disability indemnity payment without requiring a signed option by
20 the employee. Sick leave with pay, vacation, or compensatory time credits shall be used to
21 supplement disability indemnity pay at the minimum rate of one (1) hour units.

22 This section clarifies and supersedes any conflicting provisions of the Civil Service
23 Commission Rules which are within the Charter authority of the Board of Supervisors.

24
25 **Section 28. State Disability Insurance (SDI) Coverage**

1 Upon a statement by a majority of employees in a job code, or by the sole incumbent in
2 a single "A" position or by the majority of employees in a multi "A" position, requesting that
3 they be enrolled in the State Disability Program, the City shall take all necessary action to
4 enroll affected employees therein.

5
6 Section 29. Compliance with Disability and Anti-Discrimination Statutes

7 This Ordinance shall be interpreted, administered and applied in a manner that
8 complies with the provisions of federal, state and local disability and anti-discrimination
9 statutes. The City shall have the right to take whatever action it deems appropriate to ensure
10 compliance with such laws.

11 A complaint of discrimination may, at the option of the employee be processed through
12 the grievance procedure of this Ordinance, or through the applicable Civil Service rules, the
13 City Administrative Code and federal and state law. If the employee elects to pursue remedies
14 for discrimination complaints outside the procedure of this Ordinance, it shall constitute a
15 waiver of the right to pursue that complaint through the grievance process. To the extent
16 permissible by law if there is an election to pursue the complaint through the grievance, it shall
17 constitute a waiver of the right to pursue the complaint in other forums and grievant shall be
18 required to execute a written acknowledgement of the waiver in a form approved by the City
19 Attorney.

20
21 Section 30. Tuition Reimbursement

22 The City will allocate \$30,000 for the Tuition Reimbursement Program for employees
23 covered by this Ordinance. Employees covered under this Unrepresented Ordinance may be
24 reimbursed up to a maximum of \$2,500 for tuition, registration fees, books and other materials
25 for internal or external training programs which will enhance an employee's work skills,

1 professional conferences, professional association memberships and desired licenses
2 relevant to the employee's current classification. Tuition reimbursement must be approved by
3 the employee's Appointing Officer and be in accordance with procedures determined by the
4 Human Resources Director.

5 Subject to approval by the Appointing Officer or designee and to the extent funds are
6 available, employees may utilize up to \$1,000 of the funds available to them for that fiscal
7 year under this section to pay for the cost of reasonable and necessary travel and lodging for
8 approved training. Travel reimbursement rates shall be as specified in the Controller's travel
9 policy memo; however, a \$50 per diem will be allowed for meals required when on travel
10 status for approved training.

11 In addition, subject to the approval of the employee's Appointing Officer, an employee
12 may also be reimbursed up to \$1,000 of the maximum funds available to them per fiscal year
13 for the purchase of handheld electronic devices (e.g. smartphones, tablets), laptop computers,
14 professional software, and books and subscriptions for use in the performance of their City
15 duties. Tuition reimbursement must be approved by the employee's Appointing Officer and be
16 in accordance with procedures determined by the Human Resources Director.

17 18 Section 31. Tuition Reimbursement For Supervising Clinical Psychologists

19 Each regularly scheduled full-time or part-time 2576 Supervising Clinical Psychologists
20 (excluding as needed employees) may be reimbursed up to a maximum of \$2,000 per fiscal
21 year for tuition, internal or external training programs, professional conferences and
22 professional association membership relevant to the employee's current classification. The
23 funds may also be used to reimburse employees for the purchase of Personal Digital
24 Assistants, professional software, books and subscriptions. Tuition reimbursement must be
25

1 approved by the employee's Appointing Officer and be in accordance with procedures
2 determined by the Human Resources Director.

3
4 Section 32. Special Educational Leave for Supervising Clinical Psychologists

5 Each regular full time or part time 2576 Supervising Clinical Psychologist (excluding as
6 needed employees) shall be allowed the required number of hours of educational leave with
7 pay for re-licensure to attend formally organized courses, institutes, workshops or classes to
8 fulfill re-licensure requirements, as authorized and approved by the Appointing Officer or
9 designee.

10
11 Section 33. Renewal Fees for Certifications, Licenses or Registrations

12 When a certificate, license or registration is required by the Civil Service
13 Commission as a minimum qualification for City employment, the City will reimburse the
14 employee for the amount of the mandatory fee for the renewal of such certificate, license or
15 registration.

16
17 Section 34. Bar Dues

18 Full-time permanent exempt employees who, as a condition of employment, are
19 required to be a member of the California State Bar shall be reimbursed for his/her annual
20 mandatory minimum California State Bar dues.

21
22 Section 35. Training, Career Development and Incentives

23 Unrepresented employees shall be on paid status when assigned to attend required
24 educational programs scheduled during normal working hours.
25

1 Section 36. Life Insurance

2 Upon becoming eligible to participate in the Health Service System under San
3 Francisco Administrative Code Section 16.700, the City shall provide life insurance in the
4 amount of \$50,000 for all employees covered by this Ordinance.

5 Section 37. Safety Equipment & Protective Clothing

6 All employees covered by this Ordinance shall be provided with safety equipment and
7 protective clothing in accordance with Cal-OSHA requirements and as deemed appropriate by
8 and authorized by the Appointing Officer or designee.

9 Section 38. Long Term Disability

10 The City, at its own cost, shall provide to Miscellaneous Unrepresented Employees a
11 Long Term Disability (LTD) benefit that provides, after a one hundred and eighty (180) day
12 elimination period, sixty percent salary (60%) (subject to integration) up to age sixty-five (65).
13 Employees who are receiving or who are eligible to receive LTD shall be eligible to participate
14 in the City's Catastrophic Illness Program only to the extent allowed for in the ordinance
15 governing such program.

16 Section 39. Parental Release Time

17 Upon proper advance notification, covered employees may be granted up to forty (40)
18 hours Parental Leave per fiscal year four (4) hours of which will be paid leave to participate in
19 the activities of a school or licensed child day care facility of any of the employee's children.
20 Parental leave shall not exceed eight (8) hours in any calendar month of the year.

21 In order to qualify for Parental leave, the employee must give reasonable notice to
22 his/her immediate supervisor prior to taking the time off. The employee must provide written
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1 verification from the school or licensed child day care facility that he/she participated in
2 school/child care related activities on a specific date and at a particular time, if requested by
3 management. The employee may utilize either existing vacation, compensatory time off, or
4 personal (unpaid) leave to account for absences after the two (2) paid hours per semester
5 have been used. If both of the child's parents are employed by the City at the same worksite,
6 the entitlement to a planned absence applies only to the parent who first gives notice.

7 Denial of Parental Leave under this section is not subject to the grievance process.

8 9 Section 40. Mileage Reimbursement

10 Covered employees shall be reimbursed at the Controller's certified rate per mile when
11 required to use their personal vehicle for City business.

12 13 Section 41. Grievance Procedure

14 Definition:

15 A Grievance shall be defined as any dispute which involves the interpretation or
16 application of this Ordinance. The grievance must state the circumstances on which the
17 grievant claims to be aggrieved, the section(s) of the Ordinance which the grievant believes
18 violated and the remedy or solution being sought by the grievant.

19 General Provisions:

20 In no event shall a grievance include a claim for money relief for more than a thirty (30)
21 working day period prior to the initiation of the grievance.

22 If the supervisor or Appointing Officer fails to respond within the required time limits,
23 the grievant may then present the grievance in writing to the next higher step. If the grievant
24 fails to present the grievance to the next higher step within the required time limits, then the
25 grievance will be considered to be resolved.

1 The time limits set forth in this grievance procedure may be extended by mutual
2 agreement between the parties.

3 Any deadline date under this section that falls on a Saturday, Sunday or Holiday shall
4 be continued to the next business day.

5 Procedure:

6 Step I Immediate Supervisor

7 An employee having a grievance must first discuss it with the employee's immediate
8 supervisor. The employee's immediate supervisor is the individual who immediately assigns,
9 reviews or directs the work of an employee.

10 If a solution to the grievance, satisfactory to the employee and immediate supervisor is
11 not accomplished by the informal discussion, the employee may pursue the matter further.
12 The employee shall submit a written statement of the grievance to the immediate supervisor
13 within fifteen (15) calendar days of the facts or event giving rise to the grievance or within
14 fifteen (15) calendar days from such time as the employee should have known of the
15 occurrence thereof.

16 The immediate supervisor will make every effort to arrive at a prompt resolution by
17 investigating the issue. He/she shall respond within five (5) calendar days.

18 Step II Department Head/Designee

19 If the employee is not satisfied with the decision rendered, the employee shall submit
20 the grievance in writing to the department head or designee within fifteen (15) calendar days
21 of receiving notification of that decision. The grievance shall include a specific description of
22 the basis for the claim, the Ordinance section(s) believed violated and the resolution desired.
23 The parties shall meet within fifteen (15) calendar days, unless a mutually agreed upon
24 alternative is established. The Department Head/designee shall, within fifteen (15) calendar
25 days of receipt of the written grievance, or within ten (10) calendar days of the date the

1 meeting is held, whichever comes later, respond in writing to the grievance, specifying his/her
2 reason(s) for concurring with or denying the grievance.

3 Step III Director, Employee Relations Division

4 If the employee is not satisfied with the decision of the Department Head/designee, the
5 employee shall submit the grievance to the Employee Relations Director within fifteen (15)
6 calendar days after receipt of the Department's decision.

7 The Director shall have thirty (30) calendar days after receipt of the written grievance in
8 which to review and seek resolution of the grievance and to render a decision concurring with
9 or denying the grievance. The Employee Relations Director's decision shall be final and
10 binding.

11
12 Section 42. Paperless Pay Policy

13 (1) Upon the date that the Controller establishes a Citywide Paperless Pay Policy, this
14 policy will apply to all employees covered by this Ordinance.

15 (2) Under the policy, all employees shall be able to access their pay advices
16 electronically, and print them in a confidential manner. Employees without
17 computer access shall be able to receive hard copies of their pay advices through
18 their payroll offices upon request. Upon implementation of the policy, other than for
19 employees described in the preceding sentence, paper pay advices will no longer
20 be available.

21 (3) Under the policy, all employees (regardless of start date) will have two options for
22 receiving pay: direct deposit or bank card. Employees not signing up for either
23 option will be defaulted into bank cards.

24
25 Section 43. W-2 Paperless Policy

1 To the extent permitted by law, the City is authorized to provide W-2 Statements to
2 employees covered by this Ordinance electronically.

3
4 Section 44. Substance Abuse Prevention Policy

5 All employees covered by this Ordinance shall be subject to post-accident testing as
6 defined in the City's Substance Abuse Prevention Policy ("SAPP"). All employees covered by
7 this Ordinance who perform safety-sensitive functions as defined by the SAPP shall be
8 subject to reasonable suspicion testing as defined in the SAPP. The City's SAPP is posted on
9 the Department of Human Resources website.

10
11 Section 45. Savings Clause

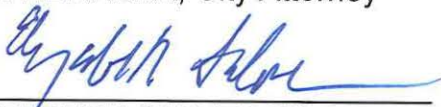
12 Should any part hereof or any provision herein be declared invalid by any decree of
13 court of competent jurisdiction, such invalidation of such part or portion of this Ordinance shall
14 not invalidate the remaining portions hereof and the remaining portions hereof shall remain in
15 full force and effect for the duration of this ordinance.

16 Recodifications may have rendered the references to specific Civil Service Rules and
17 Charter sections contained herein incorrect. Such terms will be read as if they accurately
18 referenced the same sections in their newly codified form as of July 1, 2015.

19 This Ordinance shall be effective July 1, 2015.
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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 

ELIZABETH SALVESON
Chief Labor Attorney

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ATTACHMENT A

LIST OF UNREPRESENTED JOB CODES PURSUANT TO CHARTER SECTION A8.409.1.

001 = Miscellaneous Unrep. Job Codes 002 = Management Unrep. Job Codes

Job Code	Description	Union Code
1229	Special Examiner	001
1280	Employee Relations Representative	001
1281	Senior Emp Relations Representative	001
1942	Asst Materials Coordinator	001
2561	Optometrist	001
2576	Sprv Clinical Psychologist	001
2966	Welfare Fraud Investigator	001
2967	Sup Welfare Fraud Investigator	001
3246	Pianist	001
3438	Arborist Technician Supv II	001
8168	Parking Hearing Supervisor	001
8247	Emergency Planning Coordinator	001
8446	Court Alternative Specialist 1	001
9144	Investigator, Taxi & Access Svcs	001
9530	Labor Relations Rep, SFMTA	001
9531	Sr. Labor Relations Rep, SFMTA	001
9916	Public Svc Aide-Public Works	001
AC35	Bd/Comm Secretary 3	001

	Job		Union
	Code	Description	Code
1			
2			
3	0881	Mayoral Staff I	002
4	0882	Mayoral Staff II	002
5	0883	Mayoral Staff III	002
6	0884	Mayoral Staff IV	002
7	0885	Mayoral Staff V	002
8	0886	Mayoral Staff VI	002
9	0887	Mayoral Staff VII	002
10	0888	Mayoral Staff VIII	002
11	0889	Mayoral Staff IX	002
12	0890	Mayoral Staff X	002
13	0891	Mayoral Staff XI	002
14	0892	Mayoral Staff XII	002
15	0901	Mayoral Staff XIII	002
16	0902	Mayoral Staff XIV	002
17	0903	Mayoral Staff XV	002
18	0904	Mayoral Staff XVI	002
19	0905	Mayoral Staff XVII	002
20	1282	Manager, Employee Relations Div	002
21	1283	Director, Emp Relations Div	002
22	1293	Human Resources Director	002
23	1682	Controller	002
24	1849	Prog Mgr, Bus & Econ Develop	002
25	9979	Labor and Employment Advisor	002

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Job		Union
Code	Description	Code
AB44	Cfdntal Chf Atty 2,(Cvl&Crmnl)	002